IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORDINARY ORIGINAL, CIVIL JURISDICTION

WRIT PETITION LODG.910 OF 2006

Kasim Wasim ..Petitioner

Vs.

The State of Maharashtra & Ors....Respondents

Mr. V.M. Thorat, for the Petitioenr

Mr. S.K. Nair, A Panel Counsel with Mr. P.M. Mokashi

for Respondent No.1.

Mr.B.V. Phadnis, for Respondent No.2.

CORAM: **F.I. REBELLO &**

MRS.V.K.TAHILRAMANI, JJ.

DATE: 7TH JUNE,2006

P.C.

. Petitioner admitted the malpractice in the course of examination conducted by the University. An Enquiry Committee was constituted at which the petitioner admitted the act of unfair practice, consequent whereupon punishment was imposed of cancelling the results of the examination wherein the malpractice has taken place and also the subsequent examination as the enquiry was completed thereafter. Learned Counsel for the petitioner submits that such punishment ought not to have been imposed and at the

highest the punishment ought to have been in respect of the examination where the malpractice had occurred. Under Ordinance 5050(1)(b) of the Ordinance of the University the Principal is the competent authority to impose punishment after following due procedure. In the instant case the procedure has been followed and after following the procedure punishment was imposed. The issue whether the punishment is harsh, adequate or otherwise cannot be gone into in the exercise of writ jurisdiction unless it is pointed out that the action is arbitrary or malafide. That is not so in this case. Considering that and as the petitioner is involved in the malpractice in the examination conducted in our opinion this is not a fit case for this Court to exercise its extra ordinary jurisdiction. Writ Petition rejected.

(**F.I. REBELLO, J)**

(**MRS.V.K.TAHILRAMANI, J).**